

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MEMORANDUM AND ORDER

This matter is before the Court upon review of the file. Movant Rodney Woods initiated this action on December 23, 2020 by filing a document that appeared to constitute an attempt to file a Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence. However, he did not use the proper form as required by the Local Rules of this Court, and important information was omitted. Movant also failed to sign the document.

On February 17, 2021, the Court entered an order directing movant to file an amended and signed motion on the proper form, and on March 17, 2021, the Court *sua sponte* gave movant additional time, to and including April 19, 2021, to comply with the February 17, 2021 order. In both orders, the Court cautioned movant that his failure to timely comply could result in the dismissal of this action without further notice.

Movant's response was due to the Court on April 19, 2021. To date, however, he has neither complied with the Court's orders, nor sought additional time to do so. The Court gave movant meaningful notice of what was expected, cautioned him that his case could be dismissed if he failed to timely comply, and gave him significant additional time to comply. Therefore, this action will be dismissed due to movant's failure to comply with this Court's February 17, 2021

and March 17, 2021 orders, and his failure to prosecute his case. *See Fed. R. Civ. P. 41(b); see also Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986) (a district court has the power to dismiss an action for the movant's failure to comply with any court order); *Dudley v. Miles*, 597 F. App'x 392 (8th Cir. 2015) (per curiam) (affirming dismissal without prejudice where *pro se* movant failed to file an amended complaint despite being cautioned that dismissal could result from failure to do so).

Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

IT IS FURTHER ORDERED that plaintiff's Motion to Appoint Counsel (ECF No. 5) is **DENIED** as moot.

Dated this 13th day of May, 2021.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE